## **REMARKS**

The above amendments and following remarks are responsive to the points raised in the August 23, 2005 non-final Office Action. Upon entry of the above amendments, Claims 1, 4, 7, and 10 will have been amended, Claim 6 will have been canceled, and Claims 1-5 and 7-10 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

## Response to Rejection under 35 U.S.C. § 103(a)

Claims 1, 3-5, and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Application Publication No. 2002/0057312 to Watanabe et al. (Wantanabe).

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of US Patent Application Publication No. 2001/0020962 to Kanaya et al. (Kanaya).

As set forth below, the Examiner has indicated the allowability of the subject matter introduced in original dependent Claims 6 and 7 if rewritten in independent form and including all of the limitations of the base claim and any intervening claim. In the interest of expediting the prosecution of the present application, Applicant has amended independent Claim 1 to include the limitations introduced in objected to original dependent Claim 6. Applicant has also rewritten dependent objected to Claim 7 in independent form by placing the subject matter of independent base Claim 1 therein. The amendments to independent method Claim 10 is consistent with the above amendments to Claim 1. Dependent Claim 4 has been amended to correct an informality. As such, Claims 1-5 and 6-10 are distinguished over the applied references of Watanabe and Kanaya, either alone or in combination.

Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

## Allowable Subject Matter

Claims 6 and 7 have been objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, Claim 1 has been amended to include all of the limitations of objected to original dependent Claim 6, whereas original dependent Claim 7 has been amended placing it in independent form including all of the limitations of independent base Claim 1. The amendments to Claim 10 are consistent with the amendments to independent Claim 1. As such, Applicant respectfully submits that Claims 1-5 and 7-10 are in condition for allowance.

## **CONCLUSION**

Applicant respectfully submits that Claims 1-5 and 7-9 are in condition for allowance and a notice to that effect is earnestly solicited.

# **AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees which may be required for filing this Amendment and Request for Reconsideration to Deposit Account No. <u>13-4503</u>, Order No. <u>1232-5188</u>.

By:

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: October 24, 2005

Brian W. Brown

Registration No. <u>47,265</u> (202) 857-7887 Telephone (202) 857-7929 Facsimile

### **Correspondence Address:**

MORGAN & FINNEGAN, L.L.P. Three World Financial Center NY, New York 10281-2101 (212) 758-4800 Telephone (212) 751-6849 Facsimile